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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,547	08/30/2001	Robert Boxall	CYB-011156	1913

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EXAMINER

INGBERG, TODD D

ART UNIT	PAPER NUMBER
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2193

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/945,547	Applicant(s) BOXALL ET AL.	
	Examiner Todd Ingberg	Art Unit 2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
 4a) Of the above claim(s) 4 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 1 -3, 5 - 11 have been examined.

Claims 4 and 12 have been canceled.

Claim 5 has been amended.

Drawings

1. New formal drawings filed 1/4/2005 are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following limitations must be depicted in a drawing. The limitations must be shown or the feature(s) canceled from the claim(s).

A. "installing hardware and corresponding software comprising the steps of initiating the installation process for a LAN card (hardware element) having corresponding software ; monitoring the operating system for commands which require user intervention; analyzing the commands received from the operating system; and responding to the commands received from the operating system without requiring user intervention."

B. Flowchart is support by the Specification (original claims also qualify), depicting "steps of analyzing and responding is repeated each time the operating system requires user intervention "

C. Context diagram with "installation script for use in association with a computer and an associated hardware element or software element, the script comprising: means for analyzing the request to determine a response thereto; means for responding to the request without requiring user intervention. " and the context of the Operating System as it relates to the present claimed invention.

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 112

2. The rejection under second paragraph of 35 U.S.C. 112 has been overcome by amendment.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 –3, 5-11 are rejected under 35 U.S.C. 102(b) as anticipated by **Adaptec 7800 Family Manager Set for Novell NetWare IBM OS/2, Windows 95, Windows NT, SCO UNIX and SCO UnixWare , User's Guide, 1997.**

Claim 1

Adaptec anticipates a method of installing hardware and corresponding software comprising the steps of initiating the installation process for a hardware element (**Adaptec** page 1-1,) having corresponding software ; monitoring the operating system for commands (**Adaptec**, page 1-3, OS and) which require user intervention; analyzing the commands received from the operating system; and responding to the commands received from the operating system without requiring user intervention. (**Adaptec**, 2-2, automatically loads)

Claim 3

The method of claim 1 wherein the steps of analyzing and responding is repeated each time the operating system requires user intervention. (**Adaptec**, pages 2-5 to 2-8, processing load commands)

Claim 5

An installation script for use in association with a computer and an associated hardware element or software element, the script comprising: means for analyzing the request to determine a response thereto; means for responding to the request without requiring user intervention. (**Adaptec**, 2-2, automatically loads)

Claim 6

The installation script of claim 5 wherein the analyzing means and the responding means are capable of responding to a plurality of different requests. (**Adaptec** supports pages 2-6 to 2-7, Options)

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Claim 8

The installation script of claim 5 wherein the operating system comprises one of the group consisting of; Windows 95, 98, Me, NT, 2000, XP, Mac, Linux and Palm OS.

(Adaptec supports a group – Windows 95, chapter 4)

Claim Interpreter

One of a group is interpreted to be an OR

Claim 9

The installation script of claim 5 wherein the installation script comprises software stored on a removable media. (Adaptec, CD , Pages 1-3, 2-7 and 4-2).

Claim 10

The installation script of claim 9 wherein the removable media comprises a CD. (Adaptec, CD , Pages 1-3, 2-7 and 4-2).

Claim 11

Adaptec anticipates a method of installing hardware comprising: connecting the hardware to a computing device;

- providing a storage media having an installation script; initiating the installation script
- monitoring the operating system for commands which require user intervention;
- analyzing the commands received from the operating system;
- responding to the commands received from the operating system without requiring user intervention; and - repeating the steps of analyzing and responding until the hardware is installed. As per the rejections to the claims listed above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adaptec in view of USPN # 6,067,297 BEACH issued May 23, 2000.

The Adaptec from 1997 does not teach the LAN adapter card to be wireless. It is Beach (Abstract) who teaches wireless adapter cards. Therefore, it would have been obvious to install drivers for wireless LAN cards because the installation provides a means for the device to be used as it was intended to be.

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Claim 2

The method of claim 1 wherein the hardware comprises a wireless LAN card.

Claim 7

The installation script of claim 5 wherein the hardware comprises a wireless LAN card.

Response to Arguments

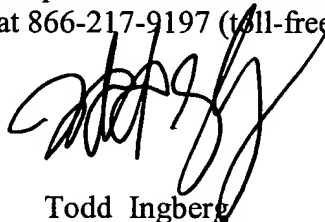
7. Applicant's arguments with respect to claim December 2, 2004, have been considered but are moot in view of the new ground(s) of rejection.

Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571) 272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Todd Ingberg
Primary Examiner
Art Unit 2193

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